

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

1 UNITED STATES OF AMERICA

2 vs.

3 HENRY M. PETERSON

Name

JAN 21 2009

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

08-CR-00125-LRS

File No.

6 Street Address

Telephone Number

8 City and State

### 10 AGREEMENT FOR PRE-TRIAL DIVERSION

11 It appearing that you are reported to have committed an offense against the  
12 United States on or about March 28, 2007, in violation of Title 16, United States  
13 Code, Section 668(a), in that you did Take an Eagle Nest and Eggs, and upon your  
14 accepting responsibility for this act, and it further appearing, after an investigation  
of the offense, and your background, that the interest of the United States and your  
own interest and the interest of justice will be served by the following procedure,  
therefore,

15 On the authority of the Attorney General of the United States, by James A.  
16 McDevitt, United States Attorney for the Eastern District of Washington,  
17 prosecution in this District for this offense shall be deferred for a period of 12  
months from the date of the filing of this agreement, provided you abide by the  
following conditions and the requirements of the program set out below:

18 Should you violate the conditions of this supervision, the United States  
19 Attorney may revoke or modify any conditions of this pre-trial diversion program  
20 or change the period of supervision which shall in no case exceed 12 months.  
The United States Attorney may release you from supervision at any time. The  
United States Attorney may at any time within the period of your supervision  
21 initiate prosecution for this offense should you violate the conditions of this  
supervision and will furnish you with notice specifying the conditions of your  
program which you have violated.

22 If, upon completion of your period of supervision, a pre-trial diversion  
23 report is received to the effect that you have complied with all the rules,  
24 regulations and conditions above mentioned, no prosecution for the offense set out  
on page 1 of this agreement will be instituted in this District, and any indictment  
or information will be discharged.

25  
26 Pretrial Diversion Agreement - 1

Diversion Agreement 1-16-09.wpd

Neither this agreement nor any other document filed with the United States Attorney as a result of your participation in the Pre-Trial Diversion Program will be used against you, except for impeachment purposes, in connection with any prosecution for the above described offense.

## **CONDITIONS OF PRE-TRIAL DIVERSION**

1. You shall not violate any law (federal, state and local). You shall immediately contact your pre-trial diversion supervisor if arrested and/or questioned by any law enforcement officer.

2. You shall attend school or work regularly at a lawful occupation or otherwise comply with the terms of the special program described below. In the absence of a special program, when out of work or unable to attend school, you shall notify your program supervisor at once. You shall consult him prior to job or school changes.

3. You shall continue to live in this judicial district. If you intend to move out of the district, you shall inform your supervisor so that the appropriate transfer of program responsibility can be made.

4. You shall follow the program and conditions described below in paragraph 2.

5. You shall report to your United States Probation Officer as directed and keep him informed of your whereabouts.

6. You shall strive to achieve the desired goals of the program.

## **SPECIAL PROGRAM**

## 7. Descriptions:

A. You shall pay administrative fees in the amount of \$5,000.00 to the United Fish and Wildlife Service, payable to the United States Treasury Department, ATT: Pat Rogers, Fish and Wildlife Law Enforcement, P.O. Box 9, Sherwood, Oregon 97140.

B. You shall participate in sixty (60) hours community service for the Community for the Little Pend O'reille Refuge, Contact person Steve Fowler, 509-684-8384.

1       **I, HENRY M. PETERSON, assert and certify that I am aware of the fact**  
2       **that the Sixth Amendment to the Constitution of the United States provides that in**  
3       **all criminal prosecutions the accused shall enjoy the right to a speedy and public**  
4       **trial. I also an aware that Rule 48(b) of the Federal Rules of Criminal Procedure**  
5       **provides that the Court may dismiss an indictment, information, or complaint for**  
6       **unnecessary delay in presenting a charge to the Grand Jury, filing an information**  
7       **or in bringing a defendant to trial. I hereby request that the United States Attorney**  
8       **for the Eastern District of Washington defer any prosecution of me for violation of**  
9       **Title 16, United States Code, Section 668(a) for a period of 12 months, and to**  
10       **induce him to defer such prosecution I agree and consent that any delay from the**  
11       **date of this Agreement to the date of the initiation of the prosecution, as provided**  
12       **for in the terms expressed herein, shall be deemed to be a necessary delay at my**  
13       **request and I waive any defense to such prosecution on the ground that such delay**  
14       **operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal**  
15       **Procedure and the Sixth Amendment to the Constitution of the United States to a**  
16       **speedy trial or to bar the prosecution by reason of the running of the statute of**  
17       **limitations for a period of 12 months, which is the period of this Agreement.**

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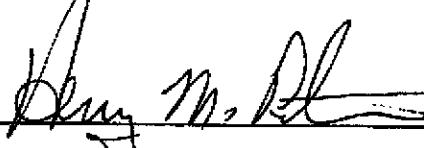
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1 I hereby state that the above has been read by me. I understand the  
2 conditions of my pre-trial diversion and agree that I will comply with them.  
3



1-21-09

5 **HENRY M. PETERSON**

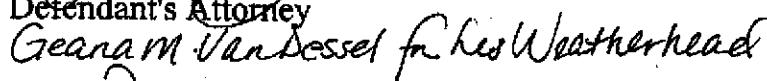
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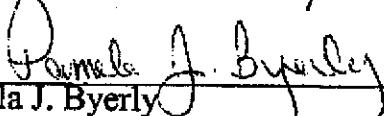
7   
8 LESLIE R. WEATHERHEAD

1-21-09

Defendant's Attorney

DATE

9   
Geanam VanSessel for Leslie Weatherhead

10   
11 Pamela J. Byerly

1-21-2009

12 Assistant United States Attorney

DATE

13 APPROVED without passing judgment on the merits or wisdom of this  
14 diversion.

16   
17 LONNY R. SUKCO

1-21-09

DATE